



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



July 24, 2003

Mr. Gunnard Nelson
2 Goodfellow Road
Hanover, New Hampshire 03755

**CERTIFIED MAIL (7099 3400 0003 0687 4855)
RETURN RECEIPT REQUESTED
NOTICE OF PAST VIOLATION**

Re: Non-Conforming Open Burning

Dear Mr. Nelson:

On April 21, 2003, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") was notified that on April 16, 2003 the Hanover Fire Department ("HFD") responded to an open burning incident at 2 Goodfellow Road, Hanover, NH ("the Property"). Stumps, logs and brush over five inches in diameter were reportedly burned. HFD personnel identified Mr. Gunnard Nelson as the property owner and the person responsible for the burning of the non-conforming materials at the Property. Mr. Nelson had not received prior approval for open burning or obtained any burn permits. At the direction of the HFD, the fire was extinguished.

On April 29, 2003 DES personnel conducted an inspection at the Property in order to determine conformance with the N.H. Code of Administrative Rules, Env-A 100 *et seq.*, specifically, Env-A 1000, *Prevention, Abatement, and Control of Open Source Air Pollution* and RSA 125-C. During the inspection, DES personnel observed and photographed stumps and logs over five inches in diameter in the burn pile on the Property.

On April 29, 2003, DES personnel spoke with you concerning the burning of non-conforming material, and reviewed with you the rules and regulations governing open burning. As a result of the inspection and information gathered, DES has determined that violations occurred.

The purpose of this letter is to notify you of the violations discovered, as well as the requirements surrounding open burning, so that you can prevent future violations. The specific violations are as follows:

- Env-A 1001.05 outlines the type of burning that is permissible without authorization from DES. Specifically, Env-A 1001.05 (d) allows periodic on-site burning of brush by the landowner and allows the burning of untreated wood from the construction or demolition of a building. The burning of materials other than brush and untreated wood is a violation of Env-A 1000.
- Env-A 1001.03(a) defines "brush" as tree tops, limbs, saplings and tree cuttings that are five inches in diameter or less.

Env-A 1001.03(k) defines "untreated wood" as any timber, board or sawn dimensional lumber, which has not been treated, coated or preserved.

Since the burning of non-conforming materials has ceased, DES believes that no further action is required at this time in response to the listed violations. However, in the event that additional violations are identified, DES may take action, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Joseph Ritz at (603) 271-1391, Air Resources Division, Compliance Bureau. A current copy of the Air Resource Division rules can be obtained from the DES website at <http://www.des.state.nh.us/ard/ardrules.htm>, or by contacting the Public Information Center at (603) 271-2975.

Sincerely,

COPY 

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enclosure: Env-A 1001, *Open Burning*

cc: M. Harbaugh, DES Legal Unit
R. Kurowski, EPA Region 1
Capt. M. Clark, Hanover Fire Dept.
Ranger D. Miner, DRED
AFS # 3300997777